IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

Crl.MC.No. 3841 of 2006()

CC.2204/2005 of ADDL.CHIEF JUDICIAL MAGISTRATE, ERNAKULAM

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PETITIONER:

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1. RAHUL P., KRISHNADEVOM,
   HARITHA NAGAR, NEAR THANKAM HOSPITAL,
   YAKARA WEST, PALAKKAD.

2. KRISHNAMOHAN. V., KRISHNADEVOM,
   HARITHA NAGAR, NEAR THANKAM HOSPITAL,
   YAKARA WEST, PALAKKAD.

3. DEVAKI, W/O.KRISHNAMOHAN,
   KRISHNADEVOM, HARITHA NAGAR,
   NEAR THANKAM HOSPITAL, YAKARA WEST,
   PALAKKAD.

BY ADV. SRI.P.SANJAY
SRI.A.PARVATHI MENON

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED
   BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. B. NISHA, D/O.BHASKARAN,
   H.NO.29/2859-B, NANDANAM, KANNOKKADA HOUSE,
   KANNOKKADA LANE, POONITHURA P.O., ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl. M.C. NO. 3841 of 2006

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Dated, this the 19th day of March 2007

ORDER

The husband and parentsin-law of the 2nd respondent Nisha has filed this Crl.M.C. to quash the proceedings pending before the Addl.Chief Judicial Magistrate's Court, Ernakulam for offences punishable under Sections 98 A, 323, 325 and 326 read with Sec. 34 I.P.C. Pending this Crl.M.C. a joint statement has been filed by the petitioners and the first respondent to the effect that the parties have settled the matter and that the first respondent complainant does not wish to proceed with the complaint against the petitioners herein. If so, no useful purpose will be served by keeping the proceedings pending before the Addl. Chief Judicial Magistrate in C.C. 2204/05 in the light of the decision of the apex court in ***B.S. Joshi v. State of Haryana - 2003 (4) SCC 675*** and that of this Court in ***Rajan Vs. Little House Marketing Pvt. Ltd. - 2005 (4) KLT 595*** this will be an abuse of the process of the court to allow the prosecution to continue. Accordingly, Annexure A charge for an offence punishable under Sec. 498 A is quashed. Resultantly, all proceedings on the file of the Addl. Chief Judicial Magistrate, Thiruvananthapuram in C.C. 414

of 2006 will also stand quashed.

This Crl.M.C. is allowed accordingly.

V. RAMKUMAR,
(JUDGE)

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